

REMARKS

Claims 1 to 8 remain in the application. Among these, claim 1 is the single independent apparatus claim.

Claims 1 to 7 stand rejected under the doctrine of obviousness type double patenting over claims 1; 2; and 4 to 9 of U.S. Patent No. 5,591,337 (Lynn '337). Claims 1 and 4 to 8 stand rejected under the doctrine of obviousness type double patenting over claims 1; 2; 4 and 6 of U.S. Patent No. 6,422,397 (Lynn '397) or U.S. Patent No. 6,367,634 (Lynn '634) in view of Lynn '377. Claims 1 and 4 to 8 stand rejected under the doctrine of obviousness type double patenting over claims 1; 2; and 4 of U.S. Patent No. 6,745,902 (Lynn '902) in view of Lynn '377.

Applicant respectfully traverses these rejections, and respectfully requests reconsideration in view of the remarks that follow.

MPEP §804(II)(B)(2) requires a side by side comparison of claims of the instant application and the claims of Lynn '377; Lynn '397 or Lynn '634 in view of Lynn '377; and Lynn '902 in view of Lynn '377, keeping in mind that only the claims of the referenced patents can be considered as support for the rejection, and the disclosures of the cited references are looked to only to determine the meaning of the claims.

Claims 1; 2; and 4 to 9 of Lynn '377 are directed to a first heat and pressure sealed region and a second heat and pressure sealed region formed after the first heat and pressure sealed region. As defined in claim 1 of the instant application, a peripheral seal is formed by the application of radio frequency heating and pressure in a single step to join first and second flexible housing elements directly to a filter pad assembly.

Claims 1; 2; 4 and 6 of Lynn '397 or Lynn '634, and claims 1; 2; and 4 of Lynn '902 are directed to a filter medium with layers each comprising a meltable material and a peripheral seal formed by application of radio frequency heating and pressure in a single step to join first and second flexible sheets direction to the filter medium. As defined in claim 1 of the instant application, a peripheral seal is formed by the application of radio frequency heating and pressure in a single step to join first and second flexible housing elements directly to a filter pad assembly, the intermediate layer of which comprises a fiber filter media.

For these reasons, applicant does not believe that the claims pending in this application pose a double patenting issue with respect to the claims of Lynn '377, Lynn '397, Lynn '634, or Lynn '902, or any combinations thereof.

The Examiner's attention is directed to the Information Disclosure Statement that accompanies this Response, with which a copy of European Patent No. 0155055 is forwarded.

Allowance of claims 1 to 8 is respectfully requested.

Respectfully Submitted,

By


Daniel D. Ryan
Registration No. 29,243

RYAN KROMHOLZ & MANION, S.C.
Post Office Box 26618
Milwaukee, Wisconsin 53226
(262) 783 - 1300
Customer No.: 26308